

Electronically Filed
10/2/2017 3:26 PM
Hidalgo County District Clerks
Reviewed By: Alexis Bonilla

CAUSE NO. C-4521-17-G

SARITA GONZALEZ
PLAINTIFF

IN THE DISTRICT COURT

WALGREEN, CO.
DEFENDANT

JUDICIAL DISTRICT

HIDALGO COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION, REQUESTS
FOR DISCLOSURE, AND RULE 193.7 NOTICE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **SARITA GONZALEZ**, Plaintiff, and files this her Original Petition complaining of **WALGREEN, CO.**, Defendant, and for cause of action would respectfully show unto the Court and Jury the following:

I. DISCOVERY

Discovery in this matter is intended to be conducted under Level 2.

II. PARTIES

Plaintiff, **SARITA GONZALEZ**, is an individual who resides in Hidalgo County, Texas.

Defendant, **WALGREEN, CO.**, is a corporation that may be served with process by certified mail return receipt requested through its registered agent, Prentice Hall Corporations System, 211 E. 7th Street, Suite 620 Austin, Texas 78701. Plaintiff requests that the Clerk of Court issue citation so that Plaintiff can arrange for service by private process server.

III. JURISDICTION

The Court has jurisdiction over the controversy because the damages are in excess of the minimum jurisdictional limits of the Court.

IV. VENUE

Venue is proper in Hidalgo County, Texas, because it is the county in which all or a substantial part of the events or omissions giving rise to the claim occurred.

V. CLAIM FOR RELIEF

Plaintiff seeks monetary relief over \$1,000,000 and a demand for judgment for all the other relief to which the party deems herself entitled.

VI. FACTS

On August 1, 2016, Plaintiff, Sarita Gonzalez, was involved in an accident on Defendant's premises. Ms. Gonzalez had completed her shopping and was exiting the Walgreens store located at 1520 S. McColl Road, Edinburg, TX 78539, when a poorly placed sign struck her and caused her whole body to fall and violently struck the concrete floor. Plaintiff immediately felt pain though her entire body and as a result of the fall she broke her right ankle in several places. Plaintiff suffered such an impact with the fall and had such severe injuries that she had to be transported to the hospital and had to have emergency surgery performed on her ankle.

As a result of this accident, Ms. Gonzalez suffered a whole list of injuries to her entire body which included serious and lasting injuries to right ankle, right and left knees, her hips, neck, shoulders, lower back, arms and even injury to dental work which have required lengthy medical treatment and a disruption in her daily personal

and work life. Prior to the filing of this suit the Plaintiff has been ongoing medical treatments for different parts of the body that she injured and has had multiple surgeries to her right ankle. Plaintiff's continues to be under doctor's care and has already been advised that future surgeries will be necessary to the ankle.

VII. ALLEGATIONS AGAINST DEFENDANT

A. Premises Liability:

At all times relevant to the allegations of this Petition, Sarita Gonzalez was an invitee of Defendant on the premises. Defendant was the possessor of the premises. The premises contained a condition (i.e., a poorly placed sign) that posed an unreasonable risk of harm. Defendant knew or reasonably should have known about the danger(s) posed by the condition. Defendant had a duty to use ordinary care to inspect and make safe or give warning of any unreasonably dangerous condition on its premises that it knew or should have known about. Defendant breached this duty to Sarita Gonzalez by failing to do so. Defendant's negligence was the sole and/or an aggregate proximate cause of her fall and resulting injuries and damages.

VIII. DAMAGES

As a proximate result of the incident made the basis of this suit and Defendant's acts and omissions, Sarita Gonzalez brings this suit against Defendant to recover damages for the following items:

- (1) Past medical bills and expenses incurred as a proximate result of the accident made the basis of this suit;
- (2) Future medical bills and expenses that in all reasonable probability will be incurred as a proximate result of the accident made the basis of this suit;

- (3) Mental anguish, physical pain and suffering, disability, and loss of enjoyment of life in the past;
- (4) Mental anguish, physical pain and suffering, disability, and loss of enjoyment of life that in all reasonable probability will be suffered in the future;
- (5) Loss of earning capacity sustained in the past;
- (6) Loss of earning capacity that, in reasonable probability, will be sustained in the future;
- (7) Physical impairment in the past;
- (8) Physical impairment in the future;
- (9) Disfigurement in the past;
- (10) Disfigurement in the future;
- (11) Pre-judgment and post-judgment interest; and
- (12) Such other and further items of damages as may be supplemented as a result of the discovery performed in this suit.

IX. REQUESTS FOR DISCLOSURE

Pursuant to TEXAS RULE OF CIVIL PROCEDURE 194, you are requested to disclose, within fifty (50) days of the service of this request, the information or material described in TEXAS RULES OF CIVIL PROCEDURE 194.2(a)-(l).

X. T.R.C.P. 193.7 NOTICE

Pursuant to TEXAS RULE OF CIVIL PROCEDURE 193.7, be advised that Plaintiff intends to use any document produced by Defendant in discovery in any pre-trial or trial proceeding in this case.

XI. JURY TRIAL REQUEST

Plaintiff respectfully requests that this case be tried to a jury. Jury fees have been

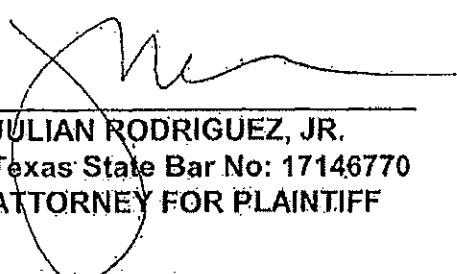
paid accordingly.

XII. PRAYER

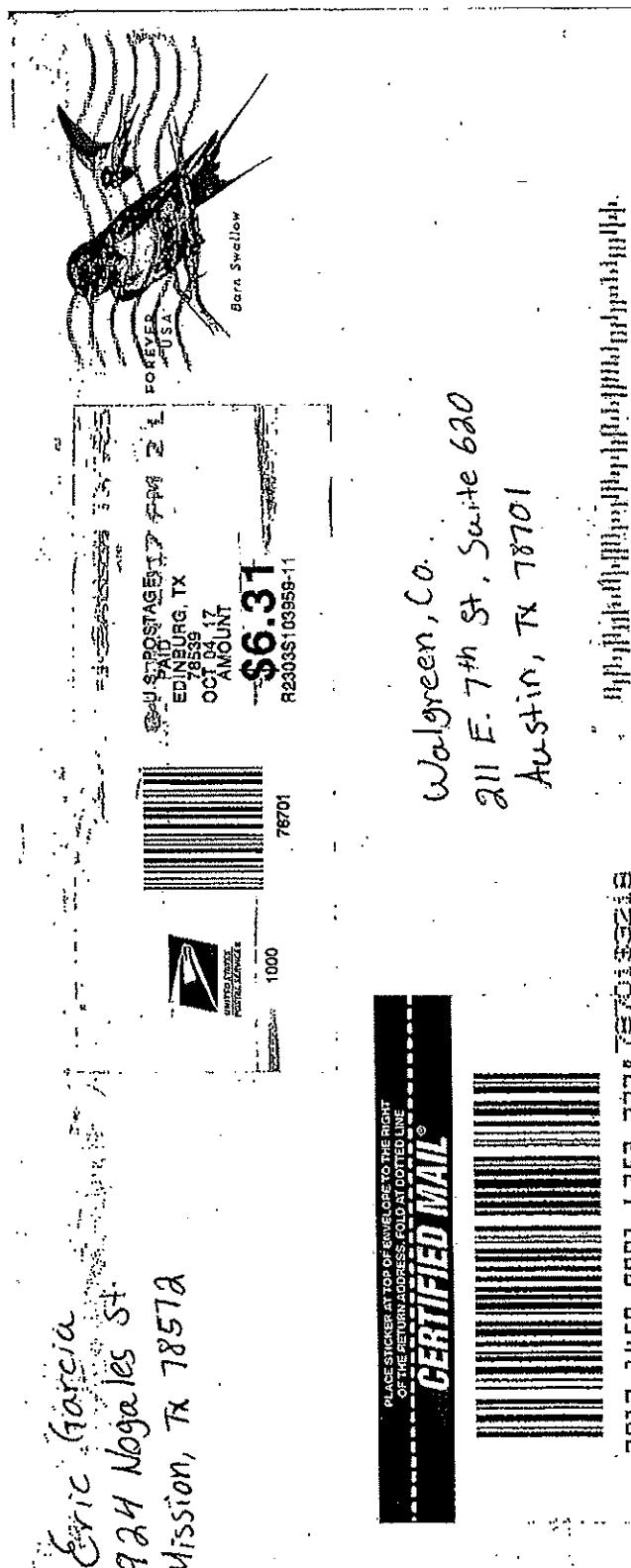
WHEREFORE, PREMISES CONSIDERED, Plaintiff, SARITA GONZALEZ, prays that Defendant, WALGREENS, CO. be cited to appear and answer herein as the law directs, and that upon final hearing and trial by jury, Plaintiff have and recover of and from Defendant, her items of damages, together with costs of Court and pre-judgment and post-judgment interest, and that Plaintiff be entitled to such other and further relief, both at law and in equity, to which she may show herself justly entitled.

Respectfully submitted,

**JULIAN RODRIGUEZ, JR. & ASSOC.
10113 N. 10 TH STREET, STE. C
MCALLEN, TEXAS 78504
JRODLAW1@yahoo.com
TEL: (956) 287-0088
FAX: (956) 287-0098**

BY: 

**JULIAN RODRIGUEZ, JR.
Texas State Bar No: 17146770
ATTORNEY FOR PLAINTIFF**





Notice of Service of Process

SKD / ALL
Transmittal Number: 17235175
Date Processed: 10/09/2017

Primary Contact: Walgreens Distribution
Corporation Service Company- Wilmington, DELAWARE
251 Little Falls Dr
Wilmington, DE 19808-1674

Entity:	Walgreen Co. Entity ID Number 0501431
Entity Served:	Walgreen, Co.
Title of Action:	Sarita Gonzalez vs. Walgreen, Co.
Document(s) Type:	Citation/Petition
Nature of Action:	Personal Injury
Court/Agency:	Hidalgo County District Court, Texas
Case/Reference No:	C-4521-17-G
Jurisdiction Served:	Texas
Date Served on CSC:	10/06/2017
Answer or Appearance Due:	10:00 am Monday next following the expiration of 20 days after service
Originally Served On:	CSC
How Served:	Certified Mail
Sender Information:	Julian Rodriguez, Jr. 956-287-0088

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC
251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com

NOTICE: Pursuant to TRCP 126: Statement of Inability to Afford Payment of Court Costs or an Appeal Bond filed = NO.

**C-4521-17-G
370TH DISTRICT COURT, HIDALGO COUNTY, TEXAS.**

**CITATION
THE STATE OF TEXAS**

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served with this citation and petition, a default judgment may be taken against you.

**Walgreen, CO.
BY SERVING ITS REGISTERED AGENT, PRENTICE HALL CORPORATIONS
SYSTEM
211 E. 7TH STREET, SUITE 620
AUSTIN, TX 78701.**

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION, REQUESTS FOR DISCLOSURE, AND RULE 193.7 NOTICE** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the Honorable Noe Gonzalez, 370th District Court of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.

Said petition was filed on this the 2nd day of October, 2017 and a copy of same accompanies this citation. The file number and style of said suit being C-4521-17-G, **SARITA GONZALEZ VS. WALGREEN, CO.**

Said Petition was filed in said court by Attorney **JULIAN RODRIGUEZ, JR., 10113 N 10TH ST, SUITE C., MCALLEN, TX 78504.**

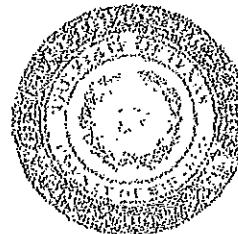
The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at Edinburg, Texas on this the 3rd day of October, 2017.

**LAURA HINOJOSA, DISTRICT CLERK
100 N. CLOSNER, EDINBURG, TEXAS
HIDALGO COUNTY, TEXAS**

Juan R. Cava
JUAN CAVAZOS, DEPUTY CLERK



C-4521-17-G
OFFICER'S RETURN

Came to hand on 03 of October, 2017 at 11:48 o'clock A m. and executed in _____ County, Texas by delivering to each of the within named Defendant in person, a true copy of this citation, upon which I endorsed the date of delivery to said Defendant together with the accompanying copy of the (petition) at the following times and places, to-wit:

NAME	DATE	TIME	PLACE

And not executed as to the defendant, _____ the diligence used in finding said defendant, being: _____ and the cause of failure to execute this process is: _____ and the information received as to the whereabouts of said defendant, being: _____. I actually and necessarily traveled _____ miles in the service of this citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

Fees: serving ... copy(s) \$ _____
 miles\$ _____

DEPUTY

**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,
 CONSTABLE OR CLERK OF THE COURT**

In accordance to Rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is _____, my date of birth is _____ and the address is _____, and I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in _____ County, State of Texas, on the _____ day of _____, 201____.

Declarant

If Certified by the Supreme Court of Texas
 Date of Expiration / SCH Number